



**ROBINSON MCFADDEN**  
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ROBINSON, MCFADDEN & MOORE, P.C.  
COLUMBIA, SOUTH CAROLINA

January 15, 2008

**VIA ELECTRONIC FILING**  
**HAND DELIVERED ORIGINALS**

Mr. Charles Terreni, Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, SC 29210

**Frank R. Ellerbe, III**  
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COLUMBIA, SOUTH CAROLINA 29202  
  
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fellerbe@robinsonlaw.com

**Re: Application of Duke Energy Carolinas, LLC  
for approval of Energy Efficiency Plan  
Docket No. 2007-358-E**


Dear Mr. Terreni:

Enclosed for filing please find Duke Energy Carolinas' First Data Request to Southern Alliance for Clean Energy, S.C. Coastal Conservation League, and Southern Environmental Law Center. Please date-stamp the extra copy provided as proof of filing and return it with our courier.

By copy of this letter we are serving a copy of the same on all parties of record. If you have any questions, please have someone on your staff contact me.

Yours truly,

ROBINSON, MCFADDEN & MOORE, P.C.



Frank R. Ellerbe, III

FRE/tch  
Enclosures

c/enc: Catherine E. Heigel, Assistant General Counsel (via email and US Mail)  
Nanette Edwards, Chief Counsel (via email and US Mail)  
Scott Elliott, Esquire (via email and US Mail)  
J. Blanding Holman, IV, Esquire (via email and US Mail)  
Gudrun Thompson, Esquire (via email and US Mail)  
Robert E. Tyson, Jr., Esquire (via email and US Mail)  
Alan R. Jenkins, Esquire (via email and US Mail)  
Jeremy Hodges, Esquire (via email and US Mail)  
James H. Jeffries, IV Esquire (via email and US Mail)

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STATE OF SOUTH CAROLINA

Application of Duke Energy Carolinas, LLC  
for Approval of Energy Efficiency Plan Including an  
Energy Efficiency Rider and Portfolio of Energy  
Efficiency Programs

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2007-358-E

(Please type or print)

Submitted by: Frank R. Ellerbe, III

SC Bar Number: 1866

Address: Robinson, McFadden & Moore, P.C.  
P.O. Box 944  
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Telephone: (803) 779-8900

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Other: \_\_\_\_\_

Email: fellerbe@robinsonlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigator	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2007-358-E**

In re:	)	
Application of Duke Energy Carolinas, LLC	)	<b>DUKE ENERGY CAROLINAS'</b>
For Approval of Energy Efficiency Plan	)	<b>FIRST DATA REQUEST TO</b>
Including an Energy Efficiency Rider and	)	<b>SOUTHERN ALLIANCE FOR</b>
Portfolio of Energy Efficiency Programs	)	<b>CLEAN ENERGY, S.C. COASTAL</b>
	)	<b>CONSERVATION LEAGUE, AND</b>
	)	<b>SOUTHERN ENVIRONMENTAL</b>
	)	<b>LAW CENTER</b>
	)	

Duke Energy Carolinas, LLC by and through its legal counsel, hereby submits this First Data Request of Duke Energy Carolinas to the Southern Alliance for Clean Energy ("SACE"), South Carolina Coastal Conservation League ("CCL") and Southern Environmental Law Center ("SEL"). Please forward to the undersigned on or before February 4, 2008, your responses to the following data requests:

**DEFINITIONS**

The following definitions apply throughout the discovery request and are deemed to be incorporated therein:

A. "Document" means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer's notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the

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foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate "document."

B. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.

C. The term "you" and "your" refer to "SACE, SEL and/or CCL"

D. The term "person" means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

E. The term "regarding" means consisting of containing mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

F. The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.

G. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and, the present or last known telephone number of the person.

H. "Identify" or "identifying" or "identification" when used in reference to a person other than a natural person means to state: the full name of the person and any names under which it conducts business; the present or last known address of the person; and, the present or last known telephone number of the person.

I. "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- 1) the type of document (e.g., letter, memorandum, etc.);
- 2) the date of the document; the title or label of the document;
- 3) the Bates number or other identifier used to number the document for use in litigation; the identity of the originator;
- 4) the identity of each person to whom it was sent;
- 5) the identity of each person to whom a copy or copies were sent;
- 6) a summary of the contents of the document;
- 7) the name and last known address of each person who presently has possession, custody or control of the document;

- 8) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

J. "Identify", "identifying" or identity" when used in reference to a communications means to state the date of communications, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

K. "Member" means a person belonging to your group, alliance, or organization.

L. "Current" when used in reference to time means in the present time of this data request.

M. "Customer" means a person who buys retail electricity on a regular and ongoing basis.

### **INSTRUCTIONS**

- A. If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
- 1) The privilege asserted and its basis.
  - 2) The nature of the information withheld;
  - 3) The subject matter of the document, except to the extent that you claim it is privileged.
- B. These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- C. If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.

- D. These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these interrogatories subsequently become known.
- E. For each data request, provide the name of the company witness(es) or employee(s) responsible for compiling and providing the information contained in each answer.

### **DUKE ENERGY CAROLINAS' FIRST DATA REQUEST**

1. Please identify all consultants that are expected to perform work for you regarding matters relating to Docket No. 2007-358-E.

2. Please provide copies of all correspondence, reports, memoranda, documents, analysis or communications (in electronic, paper or any other format) prepared by you regarding matters relating to Docket No. 2007-358-E.

3. Please provide copies of all correspondence, reports, memoranda, documents, analysis or communications (in electronic, paper or any other format) prepared by any witness testifying on your behalf regarding matters relating to Docket No. 2007-358-E.

4. Please provide copies of all correspondence, reports, memoranda, documents, analysis or communications (in electronic, paper or any other format) prepared by any person identified as a consultant in Question 1 regarding matters relating to Docket No. 2007-358-E.

5. Please provide any and all workpapers or other documents that will quantify, support or were relied upon in any way in connection with the formation of your testimony regarding matters relating to Docket No. 2007-358-E.

6. Please provide a listing of all current members of your organization who reside in the State of South Carolina and are customers of Duke Energy Carolinas,

including in the listing: (1) each member's name who is a customer of Duke Energy Carolinas and (2) each member's address who is a customer of Duke Energy Carolinas.

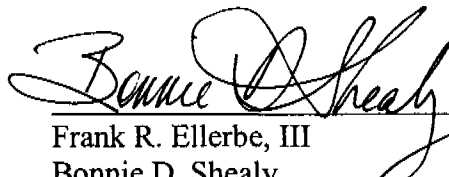
7. Have you advocated the adoption of an energy efficiency plan in any jurisdiction. If so, please describe the plan, the forum, and provide copies of any and all documents in your possession related to the plan.

Dated this 15<sup>th</sup> day of January 2008.

Kodwo Ghartey-Tagoe  
Vice President – Legal, State Regulation  
Catherine Heigel  
Assistant General Counsel  
Duke Energy Corporation  
Post Office Box 1006 (Mail Code EC03T)  
Charlotte, North Carolina 28201-1006  
[Kghartey-tagoe@duke-energy.com](mailto:Kghartey-tagoe@duke-energy.com)  
[Ceheigel@duke-energy.com](mailto:Ceheigel@duke-energy.com)

and

ROBINSON, MCFADDEN & MOORE, P.C.



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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2007-358-E**

In Re: )  
)  
Application of Duke Energy )  
Carolinas, LLC for Approval of )  
Energy Efficiency Plan Including an )  
Energy Efficiency Rider and )  
Portfolio of Energy Efficiency )  
Programs )

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**CERTIFICATE OF SERVICE**

This is to certify that I, Leslie L. Allen, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Duke Energy Carolinas, First Data Request to Southern Alliance for Clean Energy, S.C. Coastal Conservation League, and Southern Environmental Law Center** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Scott A. Elliott, Esquire  
Elliott & Elliott, PA  
721 Olive Avenue  
Columbia, SC 29205

Gudrum Thompson, Esquire  
J. Blanding Holman, IV, Esquire  
Southern Environmental Law Center  
200 W. Franklin Street, Suite 330  
Chapel Hill, NC 27516

Robert E. Tyson, Jr., Esquire  
Sowell Gray Stepp & Laffitte, LLC  
Post Office Box 11449  
Columbia, SC 29211

Nanette S. Edwards, Esquire  
Office of Regulatory Staff



Post Office Box 11263  
Columbia, SC 29211

Jeremy C. Hodges, Esquire  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211

Dated at Columbia, South Carolina this 15th day of January, 2008.

A handwritten signature in cursive script, reading "Leslie Allen". The signature is written in dark ink and is positioned above a horizontal line.

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Leslie L. Allen